

REMARKS

Upon entry of the present amendment, claims 1, 2, 19 and 20 will have been canceled while claims 32 and 33 will have been submitted for consideration by the Examiner. Additionally, claims 3-8, 10-13, 17, 18 and 21-31 will have been amended.

In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections together with an indication of the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicants wish to respectfully thank the Examiner for accepting the drawings filed in the present application on December 3, 2003. Further, Applicants wish to respectfully thank the Examiner for acknowledging their Claim for Foreign Priority under 35 U.S.C. § 119 and for confirming that the certified copy of the foreign priority document has been received in the present application. Applicants further respectfully thank the Examiner for considering each of the items of information submitted together with the Information Disclosure Statement filed in the present application on March 3, 2004, and for indicating such consideration on the copy of the PTO-1449 Form that was attached to the outstanding Official Action.

Applicants further respectfully thank the Examiner for reconsidering and withdrawing the Restriction Requirement set forth in the Official Action of April 28, 2005.

In the outstanding Official Action, the Examiner rejected claims 1, 2, 9, 12, 17-20, 23 and 24 under 35 U.S.C. § 102(e) as being anticipated by MORI (U.S. Patent No. 6,737,218). Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable

over MORI in view of HASE et al. (EP 0 503 621 A1). Claims 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over MORI in view of NITZAN et al. (U.S. Patent Publication Application 2003/0159607 A1). Finally, claims 27-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over MORI in view of NISHINO et al. (U.S. Patent No. 6,143,158). Applicants respectfully traverse each of the above-noted rejections and submit that they are inappropriate with respect to the claims pending in the present application.

The Examiner indicated claims 3-8, 10, 11, 13, 14, 15, 16, 21, 30 and 31 as being objected to for being dependent upon a rejected base claim. However, the Examiner indicated that these claims would be allowable if rewritten into independent form including all the limitations of the base claim and any intervening claims.

Applicants note the Examiner's indication with obvious acquiescence and approval. Applicants additionally note with appreciation the Examiner's detailed and exhaustive review of the present application as evidenced by the Examiner's detailed discussion of the prior art applied against the claims. Applicants further note the Examiner's Statement of Reasons for the indication of allowable subject matter with respect to various groups of objected-to claims.

In this regard, while Applicants do not disagree with any of the bases for patentability set forth by the Examiner in the Statement of Reasons, Applicants further note that each of the claims in the present application recites a particular combination of features and that the patentability of each claim pending in the present application is also based on the particular combination of features recited therein. Accordingly, the

reasons for the indication of allowable subject matter should not be limited to those features enumerated by the Examiner.

Turning to the rejection on the merits of the various claims in the present application, Applicants note that the primary reference relied upon by the Examiner in the rejection of all the rejected claims is U.S. Patent No. 6,737,218 to MORI. However, the PTO-892 Form attached to the present application does not list a U.S. patent to MORI, although two patent application publications to MORI are cited. Additionally, Applicants note that the TAKANISHI et al. patent cited by the Examiner appears to be irrelevant with respect to the claimed features of the present application. However, the TAKANISHI et al. reference has U.S. Patent No. 6,373,218 which appears to be confusingly similar to the U.S. patent number to MORI (U.S. Patent No. 6,737,218). Accordingly, the Examiner is respectfully requested to correct this matter and to ensure that the U.S. patent to MORI is properly cited on a PTO-892 Form to ensure that the record in the present application is complete and accurate.

As noted previously, the Examiner indicated claims 3-8, 10, 11, 13, 14, 15, 16, 21, 30 and 31 as containing subject matter that would be allowable if rewritten into independent form including the limitations of the base claim and any intervening claims. In this regard, and without in any manner acquiescing in the propriety of the Examiner's rejections, Applicants have rewritten claims 3, 4, 6 and 21 into independent form including the limitations of the independent claim and any intervening claims, as appropriate. Accordingly, these claims, as well as the claims dependent thereon, should be allowable at least in accordance with the Examiner's indication.

As a result of the amendment of various claims into independent form so as to be allowable at least in accordance with the Examiner's indication, Applicants note that claim 17 is the only independent claim subject to rejection at the present time. In this regard, Applicants respectfully traverse the Examiner's rejection with respect to claim 17 and submit that it is inappropriate.

In particular, Applicants note that claim 17 recites a printing plate which includes a substrate and a hydrophilic porous layer provided on a surface of the substrate. The hydrophilic porous layer includes a plurality of small pits and imaging resin is deposited on the selected parts of the surface of the hydrophilic porous layer. The small pits extend substantially perpendicularly to a major plane of the printing plate and are spaced from each other.

It is respectfully submitted that the combination of features recited in Applicants claim 17 is not taught, disclosed nor rendered obvious by the MORI reference relied upon by the Examiner. In this regard, Applicants note the Examiner's comment with respect to claim 17, asserting that at least some of the pits in the porous layer of MORI will extend substantially perpendicularly to a major plane of the printing plate. It is respectfully submitted that the Examiner has no basis for this assertion. Thus, the Examiner's assertion, which is not based on any portion of the disclosure of MORI, is merely based on speculation by the Examiner and is not based upon any evidence contained in the prior art. Such speculation is inadequate to sustain a proper rejection under 35 U.S.C. § 102 or even under 35 U.S.C. § 103.

Moreover, upon review of the disclosure of MORI, it is respectfully submitted that the Examiner's assertion is clearly incorrect. In this regard, the printing plate precursor

of MORI utilizes a hydrophilic porous layer that includes porous metal oxides, as set forth, inter alia, at column 12, lines 57-62. As is further evident from the various examples set forth in MORI, such porous particles are generally dispersed within a solvent and applied to the substrate. The solvent is later evaporated (i.e., dried) so as to form the porous layer. As a result of this method of forming the porous layer, the pits would consist of gaps between adjoining adjacent particles and will be randomly oriented. In this regard, Applicants respectfully note that in the present application, in the paragraph bridging pages 14 and 15, the disadvantages of a "random" structure, such as that disclosed by MORI, is set forth. The Examiner is respectfully directed to review the instant specification with regard to the discussion of pits that are oriented in "random directions". As also set forth in the above-noted paragraph of the present invention, significant advantages are provided when the pits do not extend in random directions but are oriented vertically (i.e., substantially perpendicularly to a major plane of the printing plate). Since such structure will not be achieved or obtained by the process utilized in MORI, it is respectfully submitted that Applicants claims are clearly patentable thereover.

Additionally, Applicants respectfully note that claim 17 recites the small pits to be spaced from one another. There is no basis for the Examiner to assert that the pits of MORI will be spaced from one another. In this regard, the Examiner's attention is respectfully directed to Fig. 3 of Applicants application for an exemplary non-limiting illustration of the spaced and vertically oriented pits of the present application.

A review of the MORI disclosure will indicate that MORI contains no teaching, disclosure or suggestion of any such vertical pits. As noted above, and as discussed

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in Applicants disclosure, the vertically oriented pits (i.e., pits extending substantially perpendicularly to a major plane of the printing plate), permit absorption of imaging resin in a vertical direction and prevent spreading of the imaging resin in a lateral direction so that a high resolution printing is enabled by use of the printing plate of the present invention.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection of claim 17 and an indication of the allowability thereof, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

By the present Response, Applicants have submitted claims 32 and 33 for consideration by the Examiner. These claims are submitted to be allowable based upon their dependence from a shown to be allowable claim 17 as well as based on their own recitations. The features of these claims, in the respective combinations, are not taught, disclosed nor rendered obvious by MORI.

Accordingly, Applicants respectfully request reconsideration of the outstanding rejections and an indication of the allowability of all the claims in the present application.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have rewritten various of the objected-to claims into independent form including the limitations of any intervening claims.

Applicants have further traversed the rejection of the sole remaining independent claim and have pointed out a basis for the patentability thereof. In this regard, Applicants have discussed the disclosure of the reference relied upon and have pointed out the shortcomings thereof with respect to the features of Applicants claim. Applicants have further discussed the features of Applicants invention, as embodied in the rejected claim and have pointed out the significant and substantial deficiencies of the cited and applied reference with respect thereto.

Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

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Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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